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**UNITED STATES DISTRICT COURT  
OF WASHINGTON  
WESTERN DIVISION**

**BENJAMIN BLANCHARD,**  
*Petitioner and Next Friend,*

**KURT BENSHOOF,**  
*Prisoner*

**THE GREAT WRIT, HABEUS CORPUS  
FILED AS NEXT FRIEND**

**Case. 2:24-mc-43-JNW**

**MOTION FOR JUDICIAL NOTICE PER RULE 201 B2,C2 &D  
OF 28 USCA § 2241 & § 2243  
AND 28 USC §2254 (a) & (b(1(B(ii))))**

Petitioner and Next Friend, BENJAMIN BLANCHARD comes before the Honorable Court with this Motion for Judicial Notice per Rule 201 B2,C2, and D, of 28 USCA § 2243's time requirements for a Writ of Habeas to be adjudicated as well as 28 USC §2254 (a) & (b(1(B(ii))))), that Benshoof is in custody by violation of the Constitution and the ineffectiveness in protecting the Rights of the prisoner by the Municipal Jail.

### THE PETITION

1. Petitioner Blanchard filed the Petition for Writ of Habeas Corpus as Next Friend and was docketed in Western District as case 2:24-mc-43-JNW, under Judge Jamal Whitehead on July 14th 2024.
2. On July 17th, the 9th Circuit Court docketed notice of Petitioner Prow's Habeas Corpus into Case 2:24-mc-43-JNW.
3. Since July 17th, 2024, Judge Whitehead or any Judge of the Western District Court has failed to address either Petition for Writ of Habeas Corpus and issue a Writ of Habeas Corpus to bring Kurt Benshoof before any Judge in the Western District!
4. Petitioner implores the Honorable Court to timely and immediately grant the Petition for Writ of Habeas for reasons under 28 USCA § 2241 (c(1&3)), 28 USC §2254 (a) & (b(1(B(ii)))) and execute the Writ within the proper timeline as defined in 28 USCA § 2243.

### **§ 2243. Issuance of writ; return; hearing; decision**

A court, justice or judge entertaining an application for a writ of habeas corpus **shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted**, unless it appears from the application that the applicant or person detained is not entitled thereto.

The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.

The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.

When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed.

Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.

The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts.

The return and all suggestions made against it may be amended, by leave of court, before or after being filed. The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require.

#### IN CUSTODY DUE TO CONSTITUTIONAL VIOLATIONS

5. Benshoof's Liberty was Unconstitutionally seized and his property searched and seized without a lawfully promulgated, signed and served search warrant containing the list of things to be seized.
6. Benshoof was subjected to nearly four hours of Swat Team actions which included turning Benshoof's home into an uninhabitable shamble for a non violent and unsubstantiated offense.
7. As Prisoner Benshoof, he has been denied the most Inalienable of Rights, while languishing in King County Superior Jail.
8. Benshoof continues to languish without access to the simplest supplies of pen and paper, in order to draft his own Petition for Writ, defend himself in his current cases.
9. A third Next Friend, Howard Brown, has been forced to file Judicial Notice into Benshoof's cases on his behalf and alert the Judges of the situation.
10. Benshoof is being treated worse as a prisoner than most insurrectionists held under the Post 9/11 policies, by being stripped of his inalienable right to wear any religious raiment he needs, to appear outside of his Cell or in Court.

11. Benshoof has received an extraordinary and excessive bail amount, as well as “Non Bailable Offenses” that were never verified by a witness in Court under Oath, leaving him unable to be bailed.

12. These Unconstitutional actions have occurred from the moment of his incarceration on 7/3/2024 and continues to this very day as the Honorable Court reads these words.

13. For these reasons, Petitioner Judicially Notices the Honorable Court that there are Constitutional Violations occurring, and circumstances existing that continue to prevent Prisoner Benshoof from filing his own Petition for Writ of Habeas Corpus, access to his cases, and Constitutional Violations during the Search and Seizure of his Person, Liberty and Property.

Wherefore the reasons stated, Petitioner Blanchard respectfully moves this Honorable Court to timely and immediately grant this Petition and issue a Writ of Habeas Corpus and bring Prisoner Kurt Benshoof before the Western District Court with an impartial Judge for review of these Constitutional Violations while a prisoner.

**Submitted this 24th day of July 2024**

/s/ Benjamin Blanchard

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